



Serial No. 09/676,380
Docket No. 99-057

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	
	:	
Applicant: Baron et al.	:	SOLUBLE EPIDERMAL GROWTH
	:	FACTOR RECEPTOR-LIKE
Serial No. 09/676,380	:	PROTEINS AND THEIR USES
	:	IN CANCER DETECTION METHODS
Filed: 09/29/2000	:	
	:	
Examiner: C. Borgeest	:	
	:	
Atty Docket No. 99-057	:	

Pittsburgh, Pennsylvania
December 15, 2006

RESPONSE

On June 19, 2006, the Examiner mailed an Office Action for the above-captioned application. The Office Action indicated that claims 18-23 remain allowed, but claims 9-17 are rejected due to lack of enablement.

The Examiner raises the issue of the use of the terms “human” and “carcinoma” in claim 9 (and dependent claims 10-17) and maintains that the specification does not enable a correlation between a decrease in soluble epidermal growth factor receptor (EGFR) and carcinoma in either a male or female patient. As discussed in previous correspondence, Claim 9 always applied to “patient.” Also in Applicants’ substitute amendment, Applicants omitted the step (correlation with carcinoma) that the Examiner found objectionable; however, this was not clearly marked in the claims listing. Applicants have now clearly removed this step (step f) from claim 9 such that there is no correlation with carcinoma in the assay. There is data in the specification to support that soluble EGFR can be measured in both male and female patients, thus the term “human patient” is enabled.